
By: **Senator Roesser**
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Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Foster Parents' Bill of Rights of 1999**

3 FOR the purpose of setting forth certain rights of foster parents in the State; and
4 generally relating to foster care.

5 BY adding to

6 Article - Family Law

7 Section 5-548

8 Annotated Code of Maryland

9 (1999 Replacement Volume)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article - Family Law**

13 5-548.

14 FOSTER PARENTS IN THIS STATE HAVE THE FOLLOWING RIGHTS:

15 (1) THE RIGHT TO BE TREATED WITH DIGNITY, RESPECT, AND
16 CONSIDERATION AS A PROFESSIONAL MEMBER OF A CHILD WELFARE TEAM;

17 (2) THE RIGHT TO BE GIVEN STANDARDIZED PRESERVICE TRAINING
18 AND APPROPRIATE ONGOING TRAINING TO MEET MUTUALLY ASSESSED NEEDS TO
19 IMPROVE THE SKILLS OF A FOSTER PARENT;

20 (3) THE RIGHT OF ACCESS TO THE APPROPRIATE CHILD PLACEMENT
21 AGENCY IN ORDER TO RECEIVE INFORMATION AND ASSISTANCE TO ACCESS
22 SUPPORTIVE SERVICES FOR A CHILD IN THE CARE OF A FOSTER PARENT;

23 (4) THE RIGHT TO RECEIVE PROMPT AND PROFESSIONAL CASE WORK
24 SERVICES AND TO BE INFORMED OF THE APPROPRIATE CASEWORKER TO CONTACT;

1 (5) THE RIGHT TO RECEIVE TIMELY FINANCIAL REIMBURSEMENT
2 COMMENSURATE WITH THE CARE NEEDS OF THE CHILD AS SPECIFIED IN THE
3 SERVICE PLAN;

4 (6) THE RIGHT OF ACCESS TO A CLEAR AND WRITTEN UNDERSTANDING
5 OF THE PLACEMENT AGENCY PLAN CONCERNING THE PLACEMENT OF A CHILD INTO
6 THE CARE OF A FOSTER PARENT WHICH SUPPORTS ACTIVITIES THAT WILL PROMOTE
7 THE RIGHT OF A CHILD TO RELATIONSHIPS WITH THEIR OWN FAMILY AND
8 CULTURAL HERITAGE;

9 (7) THE RIGHT, DURING AN INVESTIGATION OF COMPLAINTS
10 CONCERNING THE LICENSURE OF A FOSTER PARENT, TO BE PROVIDED:

11 (I) A FAIR, TIMELY, AND IMPARTIAL INVESTIGATION OF
12 COMPLAINTS;

13 (II) THE OPPORTUNITY TO HAVE A PERSON CHOSEN BY A FOSTER
14 PARENT PRESENT DURING THE INVESTIGATION;

15 (III) THE OPPORTUNITY TO REQUEST AND RECEIVE MEDIATION OR
16 ADMINISTRATIVE REVIEW OF DECISIONS THAT AFFECT LICENSING PARAMETERS;
17 AND

18 (IV) THE RIGHT TO HAVE DECISIONS CONCERNING A LICENSING
19 CORRECTIVE ACTION PLAN SPECIFICALLY EXPLAINED TO A FOSTER PARENT AND BE
20 RELATED TO THE LICENSING STANDARDS VIOLATED;

21 (8) THE RIGHT, AT THE INITIAL PLACEMENT AND AT ANY TIME DURING
22 THE PLACEMENT OF A CHILD IN FOSTER CARE AND AS SOON AS PRACTICAL AFTER
23 NEW INFORMATION BECOMES AVAILABLE, TO FULL INFORMATION FROM THE CASE
24 WORKER ON ANY ELEMENT OF THE PHYSICAL, SOCIAL, EMOTIONAL, EDUCATIONAL,
25 AND MENTAL HISTORY OF A CHILD WHICH COULD POSSIBLY AFFECT THE CARE
26 PROVIDED BY A FOSTER PARENT;

27 (9) WITH REGARD TO CASE PLANNING, THE RIGHT TO:

28 (I) BE NOTIFIED OF SCHEDULED MEETINGS AND STAFFINGS
29 CONCERNING A CHILD IN ORDER TO ACTIVELY PARTICIPATE IN THE CASE PLANNING
30 AND DECISION MAKING PROCESS, INCLUDING INDIVIDUAL SERVICE PLANNING
31 MEETINGS, ADMINISTRATIVE CASE REVIEWS, INTERDISCIPLINARY STAFFINGS, AND
32 INDIVIDUAL EDUCATIONAL PLANNING AND MENTAL HEALTH TEAM MEETINGS;

33 (II) BE INFORMED OF DECISIONS MADE BY THE COURTS OR A
34 CHILD WELFARE AGENCY CONCERNING A CHILD;

35 (III) PROVIDE INPUT CONCERNING THE PLAN OF SERVICES FOR A
36 CHILD AND TO HAVE THAT INPUT GIVEN FULL CONSIDERATION IN THE SAME
37 MANNER AS INFORMATION PRESENTED BY ANY OTHER PROFESSIONAL ON THE
38 TEAM;

1 (IV) COMMUNICATE WITH THE OTHER PROFESSIONALS WHO WORK
2 WITH A CHILD WITHIN THE CONTEXT OF THE TEAM, INCLUDING THERAPISTS,
3 PHYSICIANS, AND TEACHERS; AND

4 (V) RECEIVE INFORMATION ON A PLAN OF SERVICES IN A WRITTEN
5 REPORT AT LEAST EVERY 6 MONTHS;

6 (10) (I) THE RIGHT TO RECEIVE, IN A TIMELY AND CONSISTENT
7 MANNER, ANY INFORMATION A CASEWORKER HAS ABOUT THE FAMILY OF A CHILD
8 WHICH IS PERTINENT TO THE CARE AND THE UNDERSTANDING OF THE NEEDS OF A
9 CHILD AND TO THE MAKING OF A PERMANENCY PLAN FOR A CHILD, SO LONG AS THE
10 INFORMATION PROTECTS THE RIGHTS OF THE FAMILY OF THE CHILD; AND

11 (II) WHEN A POSITIVE RELATIONSHIP EXISTS BETWEEN A FOSTER
12 PARENT AND THE FAMILY OF A CHILD, THE FAMILY OF A CHILD MAY CONSENT TO
13 THE DISCLOSURE OF ADDITIONAL INFORMATION;

14 (11) THE RIGHT TO BE GIVEN REASONABLE WRITTEN NOTICE, WAIVED
15 ONLY IN CASES OF A COURT ORDER OR WHEN A CHILD IS DETERMINED TO BE AT
16 IMMINENT RISK OF HARM, OF:

17 (I) A CHANGE IN THE CASE PLAN OF A CHILD;

18 (II) PLANS TO TERMINATE THE PLACEMENT OF A CHILD WITH A
19 FOSTER PARENT; AND

20 (III) THE REASONS FOR THE CHANGE OR TERMINATION OF
21 PLACEMENT;

22 (12) WITH REGARD TO CITIZEN AND ADMINISTRATIVE REVIEWS, THE
23 RIGHT TO BE NOTIFIED IN A TIMELY MANNER OF:

24 (I) THE DATE, TIME, AND LOCATION OF THE REVIEWS; AND

25 (II) THE RECOMMENDATIONS MADE BY THE CITIZEN REVIEW
26 BOARD OF A CHILD IN THE CARE OF A FOSTER PARENT, PROVIDED THAT
27 INFORMATION ABOUT THE FAMILY OF THE CHILD, NOT ESSENTIAL TO ASSISTING A
28 FOSTER PARENT CARING FOR A CHILD, MAY BE WITHHELD TO PROTECT THE FAMILY
29 OF A CHILD;

30 (13) THE RIGHT OF A FOSTER PARENT TO BE CONSIDERED:

31 (I) AS A PLACEMENT OPTION WHEN A FOSTER CHILD PREVIOUSLY
32 PLACED WITH A FOSTER PARENT REENTERS FOSTER CARE, IF THAT PLACEMENT IS
33 CONSISTENT WITH THE BEST INTEREST OF THE CHILD AND OTHER CHILDREN IN
34 THE HOME OF A FOSTER PARENT; AND

35 (II) AS A FIRST SOURCE ADOPTIVE RESOURCE FOR A CHILD WHEN
36 REUNIFICATION IS NOT VIABLE AND A PLAN FOR ADOPTION IS DEVELOPED IN
37 ACCORDANCE WITH § 5-525(E) OF THIS SUBTITLE; AND

1 (14) THE RIGHT TO HAVE TIMELY ACCESS TO THE EXISTING APPEALS
2 PROCESS OF THE CHILD PLACEMENT AGENCY AND THE RIGHT TO BE FREE FROM
3 ACTS OF HARASSMENT, INTIMIDATION, AND RETALIATION BY ANY OTHER PARTY
4 WHEN EXERCISING THE RIGHT OF APPEAL.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 1999.